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Federal Law Enforcement Use Unmarked Vehicles To Grab Protesters Off Portland Streets

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(https://www.opb.org/contributor/conrad-wilson/) [Follow \(\)](#) OPB July 16, 2020 2:45 p.m. | Updated: July 17, 2020 9:53 a.m.

UPDATE (7:46 p.m. PT) — In the early hours of July 15, after a night spent protesting at the Multnomah County Justice Center and Mark O. Hatfield Federal Courthouse, Mark Pettibone and his friend Conner O'Shea decided to head home.

It had been a calm night compared to most protesting downtown. By 2 a.m. law enforcement hadn't used any tear gas and, with only a few exceptions, both the Portland Police Bureau and federal law enforcement officers had stayed out of sight.

A block west of Chapman Square, Pettibone and O'Shea bumped into a group of people who warned them that people in camouflage were driving around the area in unmarked minivans grabbing people off the street.

"So that was terrifying to hear," Pettibone said.

They had barely made it half a block when an unmarked minivan pulled up in front of them.

"I see guys in camo," O'Shea said. "Four or five of them pop out, open the door and it was just like, 'Oh shit. I don't know who you are or what you want with us.'"

Federal law enforcement officers have been using unmarked vehicles to drive around downtown Portland and detain protesters since at least July 14. Personal accounts and multiple videos posted online show the officers driving up to people, detaining individuals with no explanation of why they are being arrested, and driving off.

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The tactic appears to be another escalation in federal force deployed on Portland city streets, as federal officials and President Donald Trump have said they plan to “quell” nightly protests outside the federal courthouse and Multnomah County Justice Center that have lasted for more than six weeks.

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Federal officers have charged at least 13 people with crimes related to the protests so far, while others have been arrested and released, including Pettibone. They also left one demonstrator hospitalized with skull fractures after shooting him in the face

(<https://www.opb.org/news/article/federal-officers-portland-protester-shot-less-lethal-munitions/>) with so-called “less lethal” munitions July 11.

Officers from the U.S. Marshals Special Operations Group and Customs and Border Protection’s BORTAC, have been sent to Portland to protect federal property during the recent protests against racism and police brutality.

But interviews conducted by OPB show officers are also detaining people on Portland streets who aren’t near federal property, nor is it clear that all of the people being arrested have engaged in criminal activity. Demonstrators like federal Pettibone said they think they were targeted by federal officers for simply wearing black clothing in the area of the demonstration.

O’Shea said he ran when he saw people wearing camouflage jump out of an unmarked vehicle. He said he hid when a second unmarked van pursued him.

Video shot by O’Shea and provided to OPB shows a dark screen as O’Shea narrates the scene. Metadata from the video confirms the time and place of the protesters’ account.

“Feds are driving around, grabbing people off the streets,” O’Shea said on the video. “I didn’t do anything fucking wrong. I’m recording this. I had to let somebody know that this is what happens.”

Pettibone did not escape the federal officers.

“I am basically tossed into the van,” Pettibone said. “And I had my beanie pulled over my face so I couldn’t see and they held my hands over my head.”

Pettibone and O’Shea both said they couldn’t think of anything they might have done to end up targeted by law enforcement. They attend protests regularly but they said they aren’t “instigators.” They don’t spray paint buildings, shine laser pointers at officers or do anything else other than attend protests, which law enforcement have regularly deemed “unlawful assemblies.”

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Blinded by his hat, in an unmarked minivan full of armed people dressed in camouflage and body armor who hadn't identified themselves, Pettibone said he was driven around downtown before being unloaded inside a building. He wouldn't learn until after his release that he had been inside the federal courthouse.

"It was basically a process of facing many walls and corners as they patted me down and took my picture and rummaged through my belongings," Pettibone said. "One of them said, 'This is a whole lot of nothing.'"

Pettibone said he was put into a cell. Soon after, two officers came in to read him his Miranda rights. They didn't tell him why he was being arrested. He said they asked him if he wanted to waive his rights and answer some questions, but Pettibone declined and said he wanted a lawyer. The interview was terminated, and about 90 minutes later he was released. He said he did not receive any paperwork, citation or record of his arrest.

"I just happened to be wearing black on a sidewalk in downtown Portland at the time," Pettibone said. "And that

apparently is grounds for detaining me."

In a statement, the U.S. Marshals Service declined to comment on the practice of using unmarked vehicles, but said their officers had not arrested Pettibone.

"All United States Marshals Service arrestees have public records of arrest documenting their charges. Our agency did not arrest or detain Mark James Pettibone."

OPB sent DHS an extensive list of questions about Pettibone's arrest including: What is the legal justification for making arrests away from federal property? What is the legal justification for searching people who are not participating in criminal activity? Why are federal officers using civilian vehicles and taking people away in them? Are the arrests federal officers make legal under the constitution? If so, how?

After 7 p.m. Thursday, a DHS spokesperson responded, on background, that they could confirm Acting Secretary of Homeland Security Chad Wolf was in Portland during the day. The spokesperson didn't acknowledge the remaining questions.

"It's like stop and frisk meets Guantanamo Bay," said attorney Juan Chavez, director of the civil rights project at the Oregon Justice Resource Center.

Chavez has worked on litigation surrounding the weeks of protests and helped lead efforts to curb local police from using tear gas and munitions on protesters. He called the arrest by federal officers “terrifying.”

“You have laws regarding probable cause that can lead to arrests,” he said. “It sounds more like abduction. It sounds like they’re kidnapping people off the streets.”

Ashlee Albies, a civil rights attorney with the National Lawyers Guild, said Pettibone’s detention is an example of intimidation by federal law enforcement, and noted that people have a First Amendment right to demonstrate. She also said law enforcement officials have to follow procedures when they detain someone.

“I would be surprised to see that pulling up in an unmarked van, grabbing people off the street is an acceptable policy for a criminal investigation,” Albines said.

In a letter released Thursday, Wolf said, “Portland has been under siege for 47 straight days by a violent mob while local political leaders refuse to restore order to protect their city.”

“A federal courthouse is a symbol of justice,” Wolf wrote, denigrating protests against racism in the United States’ criminal justice system as an angry mob. “To attack it is to attack America.”

KOIN was first to report Thursday (<https://www.koin.com/news/protests/acting-department-of-homeland-security-secretary-condemns-violence-at-portland-protests/>) that Wolf was visiting Portland to view damage to the federal courthouse.

This week, Trump has repeatedly spoken out about what he calls lawlessness in the city. He praised the role of federal law enforcement officers in Portland and alluded to increasing their presence in cities nationwide. Speaking to Fox News on Thursday, Acting U.S. Customs and Border Protection Commissioner Mark Morgan called the protesters criminals.

“I don’t want to get ahead of the president and his announcement,” Morgan said, “but the Department of Justice is going to be involved in this, DHS is going to be involved in this; and we’re really going to take a stand across the board. And we’re going to do what needs to be done to protect the men and women of this country.”

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Early Thursday morning, Portland police tried a new approach to stop the protests. Officers cleared Lownsdale and Chapman Squares, including Riot Ribs, a barbecue stand that had been cooking free food since July 4. The city said it was closing the parks for maintenance. By early afternoon, fences had been installed around both parks.



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Police arrested nine people during the closure, including three of the people who ran Riot Ribs. They face a variety of charges, including trespassing and disorderly conduct.

Mayor Ted Wheeler's office declined to offer comment on the latest events involving federal officers, but reiterated a statement from earlier in the week, saying federal officers should be restricted to guarding federal property.

"We do not need or want their help," Wheeler said. "The best thing they can do is stay inside their building, or leave Portland altogether."

Oregon Democratic Sen. Jeff Merkley said if Wolf is coming to inflame the situation in Portland so the President can "look tough," the acting DHS leader should leave.

"Federal forces shot an unarmed protester in the face," Merkley said in a tweet. "These shadowy forces have been escalating, not preventing, violence."

Oregon Gov. Kate Brown similarly called for federal law enforcement officers to leave Portland. She added, Wolf is on a "mission to provoke confrontation for political purposes."

"This political theater from President Trump has nothing to do with public safety," Brown said in a statement. "The President is failing to lead this nation. Now he is deploying federal officers to patrol the streets of Portland in a blatant abuse of power by the federal government."

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